IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.480 OF 2004
IN
SUMMARY SUIT NO.1176 OF 2004

Shri Harish Sanna Sagathia ..Plaintiff

Vs.

Shri Chimanbhai Sivabhai Solanki ..Defendant

Mr.P.V.Dhopatkar i/b Shailesh Shukhla for the plaintiff

Mr.V.M.Vaghela for the defendant

CORAM : S.U.KAMDAR, J
DATED : 21ST SEPTEMBER, 2005

P.C.:

1. The present suit is filed for the recovery of amount of dishonoured cheque of Rs.1.0 lac and interest thereon at 12% p.a. The total claim is Rs.1,03,000/-. The contention of the defendant is that he has not received the amount under the said cheque. Under the provisions of Negotiable Instruments, there is a presumption of consideration in respect of Negotiable Instruments Act. Cheque having signed and executed, the said defence has no merits. The learned counsel thereafter contends that the cheque was issued for

someother purpose. There is no merits in the said defence also. However, with a view to give an opportunity to the defendant to defend the case, I direct the defendant to deposit a sum of Rs.1 lac within 4 weeks failing which, which plaintiffs will be entitled to decree. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3 years and then renew the same from time to time till further orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from the date of deposit. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.